THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.6972 OF 2005

DATED: 01-05-2007

BETWEEN

Badita Sankara Rao,
S/o. Challaiah,
Real Estate Business,
R/o.5-7-8/95,
K.L. Rao Nagar,
Chittinagar,
Vijayawada.

...PETITIONER

AND

The Commissioner of Police,
Vijayawada and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in opening rowdy sheet against him and continuing the same as illegal and arbitrary. He submits that except the case in Cr.No.95 of 2004 under Section 110 of the Code of Criminal Procedure, 1973 all other cases ended in acquittal or withdrawn, therefore, continuing of the rowdy sheet is illegal and arbitrary.

2. Learned Government Pleader for Home submits as per order 601 of Andhra Pradesh Police Manual, Part – I, Volume II a rowdy sheet can opened in respect of persons who are bound over under Section 110 Code of Cr.P.C. and that rowdy sheet, which is opened, can also be continued under order 602-2 and merely because a suspect/rowdy, having a history sheet, is not figuring as accused in the previous 5 years after the last case in which he was involved,

it should not preclude the SP/DCP/CP to continue his history sheet if

SP/DCP/CP is of the considered view that his activities are prejudicial to the maintenance of public order or one affecting peace and tranquility in the area or the victims are not coming forward to give complaint against him on account of threat from him.

Having regard to the facts and circumstances of the case,
the writ petition is disposed of directing the respondents to review the rowdy sheet opened against the petitioner in accordance with the provisions of order 602-2 of the Andhra Pradesh Police Manual,
Part – I, Volume II and pass appropriate orders in accordance with law. There shall be no order as to costs.

_____

V. ESWARAIAH, J

May 1, 2007
DSK